REMARKS/ARGUMENTS

Applicant has received the Office Action dated April 3, 2009, in which the Examiner: **1)** objected to specification as allegedly failing to provide proper antecedent basis for the subject matter of claim 33; **2)** rejected claims 39-40 under 35 U.S.C. § 112, ¶ 2, as being allegedly indefinite; **3)** rejected claims 1-24 and 33 under 35 U.S.C. § 101 as being allegedly directed to non-statutory subject matter; and **4)** rejected claims 1-42 under 35 U.S.C. § 102(e) as being allegedly anticipated by Basal (U.S. Pat. Pub. 2003/0120593, hereinafter "Basal").

With this Response, Applicant has amended the specification and claims 1, 24, 32-34, 39, and 40. With these amendments and the arguments below Applicant respectfully submits that all claims are in condition for allowance.

I.   OBJECTION TO THE SPECIFICATION

The Examiner objected to the specification as allegedly failing to provide antecedent basis for the term "computer readable medium" of claim 33. Without conceding the merits of the Examiners objections, the paragraph beginning at page 18, line 20 has been amended to recite: "Embodiments can include a computer readable medium having instructions for causing a device to perform the method." Support for the amendment can be found at least in original claim 33 and no new matter has been added. In *Ex parte* Mazzara, the Board of Patent Appeals and Interferences held that the term "computer readable medium" is well known to those skilled in the computer arts. *Ex parte Mazzara*, 20 (Feb. 5, 2009). The Board further held that when used without further definition, the term is limited to only tangible manufactures, and is therefore statutory. *Ex parte Mazzara*, at 22. Accordingly, Applicant respectfully requests that the objection to the specification be withdrawn.

II.   REJECTIONS UNDER 35 U.S.C. § 112

Claim 39 has been amended to replace the recitation "indicates an interest in soccer" with the recitation "is related to a hobby of the user." Support

for the amendment can be found at least at page 9, lines 20-26 of the specification.

Claim 40 has been amended to replace the recitation "indicates an interest in Chinese cuisine and a disinterest in Italian cuisine" with the recitation "is related to a culinary preference of the user." Support for the amendment can be found at least at page 9, lines 20-26 of the specification.

In light of these amendments, Applicant respectfully requests that the rejection of claims 39 and 40 under 35 U.S.C. § 112, ¶ 2, be withdrawn.

III.   REJECTIONS UNDER 35 U.S.C. § 101

With regard to claim 33, as explained above, the Board of Patent Appeals and Interferences found in *Ex Parte* Mazzara that "the only physical structure expressly recited in [the] claim [at issue] appears in the preamble." That structure was the computer useable medium, and the Board held that the claim was statutory. *Mazzara*, at 22-23. Moreover, claim 33 has been amended to recite "collecting, by a processor." Support for the amendment can be found at least at page 12, lines 16-19 of the specification. Accordingly, Applicant respectfully submits that claim 33 is statutory, and respectfully requests that the rejection of claim 33 under 35 U.S.C. § 101 be withdrawn.

Independent claims 1 and 24 have been amended to clarify that the application server includes a processor and the database is stored in memory. Support for these amendments can be found at least at p. 5, lines 4-7 and page 11, lines 17-18 of the specification. Furthermore, Applicant respectfully submits that a "server" is computer hardware as shown at p. 5, lines 6-7 which lists a server as an exemplary processor, and that a "gateway" is a tangible device as evidenced by the Microsoft Computer Dictionary, which defines a "gateway" as "a device that connects networks." MICROSOFT COMPUTER DICTIONARY 232 (5th Edition, 2002). Additionally, "media platforms . . . are computing devices that include processor and memory capabilities." (specification page 5, lines 1-3). Applicant respectfully submits that claims 1 and 24 and all claims depending from

claim 1 or 24 are statutory, and Applicant respectfully requests the rejections of claims 1-24 under 35 U.S.C. § 101 be withdrawn.

IV.   REJECTIONS UNDER 35 U.S.C. § 102

Anticipation under 35 U.S.C. § 102 requires "The identical invention must be shown in as complete detail as is contained in the . . . claim." *Richardson v. Suzuki Motor Co.*, 868 F.2d 1226, 1236 (Fed. Cir. 1989). "For a prior art reference to anticipate in terms of 35 U.S.C. § 102, every element of the claimed invention must be identically shown in a single reference. . . . These elements must be arranged as in the claim under review." *In re Bond*, 910 F.2d 831 (Fed. Cir. 1990).

Independent claim 1 requires "an application server . . . having a web services interface connecting the mobile portal to the mobile server." The Examiner cites Bansal Figure 1 and ¶ [0045] as teaching the application server, and ¶¶ [0060], [0569]-[0570] as teaching the other limitations. Bansal Figure 1 and ¶ [0045] disclose the existence of an application server. Bansal ¶ [0060] discloses personalization of system applications. Bansal ¶¶ [0569]-[0570] disclose data warehouses and data marts. Applicant finds nothing at these locations or elsewhere in Bansal teaching "an application server . . . having a web services interface connecting the mobile portal to the mobile server." For at least this reason, Applicant respectfully submits that independent claim 1, and all claims depending therefrom, are in condition for allowance.

Claim 2 requires "the web services interface is discoverable and invokeable as a stand-alone web service." The Examiner cites Bansal ¶ [0152] as teaching these limitations. However, the cited location teaches capabilities of the web server rather than the application server web services interface is discoverable and invokeable as a stand-alone web service as required by claim 2. For at least this additional reason, Applicant respectfully submits that claim 2 is allowable over the cited art.

Claim 3 requires "the application server having the web services interface includes a set of business logic instructions to manage access and control of the user profile data." The Examiner cites Bansal ¶¶ [0357]-[0359], [0372] as allegedly teaching these limitations. Bansal ¶ [0357] teaches use of business rules to determine whether a user can be added to a site or application. Bansal ¶¶ [0358]-[0359] teach user maintenance of profiles. Bansal ¶ [0372] teaches "a data access layer . . . used to control interaction" with profile and authentication data. None of the cited locations teaches the business logic instructions in the application server as required by claim 3. For at least this additional reason, Applicant respectfully submits that claim 3 and all claims depending therefrom are allowable over the cited art.

Claim 4 requires "the application server having the web service interface uses a web services descriptor language (WSDL) document to register user profile data with the mobile server." The Examiner cites Bansal ¶ [0460] as allegedly teaching these limitations. Bansal ¶ [0460] teaches support for WSDL, but does not teach a web service interface using a WSDL document to register user profile data with the mobile server as required by claim 4. For at least this additional reason, Applicant respectfully submits that claim 4 and all claims depending therefrom are allowable over the cited art.

Claim 5 requires "the WSDL document is automatically generated from a Java Integrated Development Environment (IDE)." The Examiner cites Bansal ¶¶ [0438], [0460] as allegedly teaching these limitations. Bansal ¶ [0460] teaches support for WSDL. Bansal ¶ [0438] teaches support for Java runtime environments. Neither location teaches the WDSL document of claim 4 is automatically generated from a Java IDE as required by claim 5. For at least this additional reason, Applicant respectfully submits that claim 5 is allowable over the cited art.

Claim 11 requires "the application server having the web services interface includes a middle tier cache to hold retrieved data from the associated

database structure." The Examiner cites Bansal ¶¶ [0595], [0992], [0998] as allegedly teaching these limitations. Bansal ¶ [0595] teaches a desktop online analytical processing system including a "mid-tier server that replaces some or all of the client functionality." Teaching a "mid-tier server" is not equivalent to "the application server . . . having a mid-tier cache to hold retrieved [profile] data." Bansal ¶ [0992] teaches cached content delivered from locations distributed outside of the system environment. Teaching "cached content" is not equivalent to "the application server . . . having a mid-tier cache to hold retrieved [profile] data." Bansal ¶ [0998] teaches load-balancing. Distribution of workload is not equivalent to "the application server . . . having a mid-tier cache to hold retrieved [profile] data." For at least these additional reasons, Applicant respectfully submits that claim 11 and all claims depending therefrom are allowable over the cited art.

With regard to claims 17-20, and 22, the Examiner cites no location in Bansal teaching these limitations. For at least this additional reason, Applicant respectfully submits that claims 17-20, and 22 are allowable over the cited art.

Independent claim 24 requires "an application server . . . having a web services interface to connect the mobile portal to the mobile server." These limitations are similar to those of claim 1 discussed above and the Examiner cites the same Bansal locations. As explained with regard to claim 1, Bansal fails to teach these limitations.

Claim 24 further requires "the application server including a set of business rules associated with accessing an associated database structure . . . containing a compilation of user profile data from multiple network sources." The Examiner cites Bansal ¶¶ [0060], [0569]-[0570] as allegedly teaching these limitations. The teachings at these locations are described above, with regard to claim 1. Applicant finds no teaching at the cited locations as to business rules in the application server or their association with accessing a database as required by claim 24.

Claim 24 yet further requires "wherein the business rules include executable instructions to make the user profile data accessible across multiple network applications." The Examiner cites Bansal ¶¶ [0357-[0359], [0372] as allegedly teaching these limitations. Bansal ¶ [0357] teaches use of business rules to determine whether a user can be added to a site or application. The determination restricts access to sites or applications and is not directed to making user profile data accessible across multiple network applications. Bansal ¶¶ [0358]-[0359] teach user maintenance of profiles based on authentication, neither business rules, nor making the profile data accessible across multiple applications is mentioned. Bansal ¶ [0372] teaches "a data access layer . . . used to control interaction" with profile and authentication data. Thus, Bansal teaches that an application accesses the database through an access layer rather than by direct query. Use of an access layer does not teach or require "the business rules make . . . the user profile data accessible across multiple network applications" as required by claim 24.

For at least these reasons, Applicant respectfully submits that claim 24 is allowable over the cited art.

Independent claim 25 requires "providing business rules to an application server, the business rules associated with accessing user profile data to make a user profile service database accessible across multiple network applications; applying the business rules in response to a request; and accessing the user profile service database when the request has been authorized by the applied business rules." The Examiner cites Bansal ¶¶ [0357]-[0359], [0372] as allegedly teaching these limitations. As explained above, with regard to claim 24, Bansal fails to teach these limitations, because neither adding a user to a site/application, nor entitlement to administer profiles, nor providing a database access layer teaches "business rules . . . to make a user profile service database accessible across multiple network applications." Similarly, none of the cited locations teaches providing business rules associated with

accessing user profile data to an application server. For at least these reasons, Applicant respectfully submits that claim 25 and all claims depending therefrom are allowable over the cited art.

Claim 28 requires "the application server receiving identification and location information associated with a mobile device, wherein the application server provides a service application to the mobile device based on the identification and the location information." The Examiner cites Bansal ¶¶ [0357], [0359], [0368] as allegedly teaching these limitations. None of the cited locations teach providing a service application based on location. For at least this reason, Applicant respectfully submits that claim 28 is allowable over the cited art.

Claim 31 requires "the application server collecting user profile data from a number of third party network databases to populate the user profile service database." The Examiner cites Bansal ¶¶ [0072], [0469], [0486] as allegedly teaching these limitations. Bansal ¶ [0072] teaches that users cannot directly access data, but rather are provided access based on roles and permissions. Bansal ¶ [0072] includes no teaching as to collecting profile data from third party network databases. Bansal ¶ [0469] teaches the ability to manage information available for display to web site users stored in searchable repositories. Bansal ¶ [0469] includes no teaching as to collecting profile data from third party network databases. Bansal ¶ [0486] teaches a directory service providing a hierarchical mechanism for storing and retrieving information about users. Bansal ¶ [0486] does not teach populating the user profile service database with date collected from a number of third party network databases. For at least this reason, Applicant respectfully submits that claim 31 is allowable over the cited art.

Independent claims 32 and 33 have been amended to clarify that the user profile data collected is related to a given user rather different users, and that collecting is performed "by a processor." Support for the amendments can be

found at least at page 11, lines 23-29, and page 12, lines 16-19 of the specification. The teachings of Bansal ¶¶ [0357]-[0359], [0372] are explained above, and do not include collecting a given user's profile data from multiple network sources, but rather disclose distribution of a profile across network sources. (*See* Bansal ¶ [0372]). For at least this reason, Applicant respectfully submits that claims 32 and 33 are in condition for allowance.

Independent claim 34 has been amended to recite "means for storage and access of user profile data on a user profile service database via the web service interface." This amendment clarifies the requirement that access of the user profile is via the web services interface of the application server. None of the cited locations in Bansal (¶¶ [0357]-[0359], [0372]) cited by the Examiner, and none identified by Applicant teach accessing a user profile via a web services interface of an application server. For at least this reason, Applicant respectfully submits that claim 34 and all claims depending therefrom are allowable over the cited art.

Claim 38 requires "the application server includes program instructions to manage: user demographic information. The Examiner cites Bansal ¶¶ [0069]-[0072] as allegedly teaching these limitations. The cited locations of Bansal teach certificate management and data management, and include no suggestion of managing demographic information. For at least this reason, Applicant respectfully submits that claim 38 is allowable over the cited art.

V.   CONCLUSION

In the course of the foregoing discussions, Applicant may have at times referred to claim limitations in shorthand fashion, or may have focused on a particular claim element. This discussion should not be interpreted to mean that the other limitations can be ignored or dismissed. The claims must be viewed as a whole, and each limitation of the claims must be considered when determining the patentability of the claims. Moreover, it should be understood that there may

be other distinctions between the claims and the cited art which have yet to be raised, but which may be raised in the future.

Applicant respectfully requests reconsideration and that a timely Notice of Allowance be issued in this case. It is believed that no extensions of time or fees are required, beyond those that may otherwise be provided for in documents accompanying this paper. However, in the event that additional extensions of time are necessary to allow consideration of this paper, such extensions are hereby petitioned under 37 C.F.R. § 1.136(a), and any fees required (including fees for net addition of claims) are hereby authorized to be charged to Hewlett-Packard Development Company's Deposit Account No. 08-2025.

Respectfully submitted,

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